

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

ALAN McFADDEN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:06cv324HTW-JCS

WILLIE ABSTON, ERRICKSON AIR-CRANE,  
NISSAN OF NORTH AMERICA,  
AND ENCOMPASS IVYES MECHANICAL

DEFENDANTS

ORDER

Plaintiff has complied with the order [2-1] of June 21, 2006, by paying the remainder of the filing fee. Since the filing fee has been paid in this civil action, the plaintiff is responsible for preparing and serving each of the defendants with summons in accordance with the FEDERAL RULES OF CIVIL PROCEDURE. The plaintiff may choose to have the defendants served with the complaint by either summons or by a waiver of service. If the plaintiff chooses to have the defendants served by **summons**, the plaintiff is advised that for summons to be issued in this case, it involves three steps. First, plaintiff is required to complete a summons form for the named defendants and return it to this Court. The plaintiff is required to provide the Clerk's Office with a self-addressed postage prepaid envelope so that the issued summons may be returned to him for service. Second, the Court is responsible for issuing the summons. Once the Court issues the summons, it will be returned to the plaintiff in the self-addressed postage prepaid envelope provided by the plaintiff.<sup>1</sup> Third, the plaintiff is required to have the summons served on the named defendants in accordance with Rule 4(c) of the FEDERAL RULES OF CIVIL PROCEDURE. The plaintiff shall file with the court proof of service of the summons in accordance with Rule 4(l) of the FEDERAL RULES OF CIVIL PROCEDURE.

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<sup>1</sup>It appears that when the plaintiff submitted the original complaint he furnished the court with copies of the complaint that may be attached to the summons that are served.

If the plaintiff chooses to have the defendants served with a **Notice and Request of Waiver of Lawsuit**, the plaintiffs are required to comply with Rule 4(d) of the FEDERAL RULES OF CIVIL PROCEDURE. The plaintiff is reminded to file the executed Waiver with this office in accordance with Rule 4(d)(4) of the FEDERAL RULES OF CIVIL PROCEDURE.

The plaintiff is warned that if the defendants are not properly served in a timely manner as set forth in Rule 4(m) of the FEDERAL RULES OF CIVIL PROCEDURE, this case may be dismissed for want of prosecution under Rule 41(b) of the FEDERAL RULES OF CIVIL PROCEDURE. Accordingly, it is hereby,

ORDERED AND ADJUDGED that the Clerk of Court is directed to attach the appropriate number of summons forms to this order and the appropriate number of Notice and Request of Waiver of Lawsuit forms to this order and mail to the plaintiff at his last known address.

SO ORDERED, this the \_14th\_\_\_\_\_ day of July, 2006.

s/ James C. Sumner

UNITED STATES MAGISTRATE JUDGE